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09/104,297	06/24/1998	RICHARD JAMES HUMPLEMAN	2810-044	4083

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EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/104,297

Applicant(s)

HUMPLEMAN ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/13/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 21-33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-36 is/are allowed.
- 6) ☒ Claim(s) 1, 3-20 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/11/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed 1/13/2005, to the original application filed 6/24/1998, with provisional application filing dates of 9/22/1997, and 6/25/1997. Applicant swears behind the date of 6/10/1997.
2. The examiner acknowledges Applicant's election of Group I (claims 1-20), filed 5/7/2004 with traverse. It is respectfully noted that since Applicant provides no argument in support of traverse, the examiner interprets this as an election without traverse.
3. Claims 1, 3-4, 6, 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Hanson.
4. Claims 5, 7 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman, Hanson, and Reber.
5. Claims 9-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman, Hanson, and Suzuki.
6. Claims 1-36 pending. Claims 21-33 remain withdrawn from examination on the merits. Claims 34-36 have been added. Claims 1, 16, 20, 34 are independent claims.

Allowable Subject Matter

7. Claims 34, 35, 36 are allowed.
8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3-4, 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman et al. (hereinafter Venkatraman), U.S. Patent No. 5,956,487 issued September 1999, in view of Hanson, U.S. Patent No. 6,148,346 issued November 2000.

In regard to independent claim 1, Venkatraman teaches a home automation network comprising an interface for accessing connected home devices (Venkatraman Figure 3, column 3 lines 27-33; compare with claim 1 "*A method for providing....comprising the steps of*").

Venkatraman does not specifically teach a "*device list file*" associated with connected home devices. However, Hanson teaches a GUI displaying an object list (file) of available network devices (Hanson Figure 5, column 5 lines 36-40; compare with claim 1 "*generating a device list file....wherein the device list file identifies home devices that are currently connected to the home network*", and "*identified in the device list file*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman's web page generation, because of Hanson's taught advantage of itemizing, so as to provide Venkatraman the benefit of indicating to a user all available devices on a network (a complete list).

Venkatraman teaches accessing connected home devices using Web technology so that access is independent of an operating system platform and browser software, as well as independent of the location of the user (Venkatraman column 2 lines 36-42). Venkatraman also teaches generating a web page dynamically to reflect the updated state of the information pertaining to a device maintained by a monitor (Venkatraman column 3 lines 33-36), suggesting autonomous generation since it is dynamically updated without user help,

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providing the benefit of automatic updating to reflect changing device parameters (compare with claim 1 “... *in an autonomous and dynamic manner*”).

Venkatraman teaches a self contained home network comprising inter-communication links and a web browser enabling communication with a set of devices (Venkatraman Figures 2, 3, column 3 lines 33-40, column 5 lines 29-40, 46-51; compare with claim 1 “*creating a device link page*”). Venkatraman also teaches a textual representation of a corresponding connected device (a printer name) (Venkatraman Figure 3 item Printer Name, Portdv9; compare with claim 1 “*at least one graphical or textual representation of corresponding devices*”).

Venkatraman teaches a set of user interface functions written in HTML, said functions associated with a device on a network (Venkatraman Figure 3, column 5 lines 36-42; compare with claim 1 “*associating a hyper-text link with each device representation....that is associated with the device representation*”). Venkatraman also teaches a Web page contained in the associated device (Venkatraman Figure 1B items 10, 18, which is indicative of device item 10 in Figure 2; compare with claim 1 “*contained in the device*”).

Venkatraman teaches display of device information on a network browser (Venkatraman Figure 3; compare with claim 1 “*displaying the device link page on a browser based device.*”).

In regard to dependent claim 3, Venkatraman teaches a home device connected to a home network, as well as a link page. Venkatraman does not specifically teach associating/retrieving a logical name stored in a device link file, as well as icons. However, Hanson teaches a listing of available devices, each device comprising a logical name (i.e. HDE/Meister, HDE/Gerry), to which a device is user selected and is represented by various GUI buttons associated with a status icon (Hanson Figures 3-5, column 5 lines 25-40; compare with claim 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson’s taught advantage of user selection, providing Venkatraman a way to customize a home network.

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In regard to dependent claim 4, Venkatraman teaches a home device connected to a home network, as well as a link page. Venkatraman does not specifically teach associating/retrieving a logical name stored in a device link file, as well as icons. However, Hanson teaches a listing of available devices, each device comprising a logical name (i.e. HDE/Meister, HDE/Gerry), to which a device is user selected and is represented by various GUI buttons associated with a status icon (Hanson Figures 3-5, column 5 lines 25-40; compare with claim 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson's taught advantage of user selection, providing Venkatraman a way to customize a home network.

In regard to dependent claim 6, Venkatraman teaches a home based network enabling a web browser to access user interface functions via URL's, said URL's can be embedded within an appliance (Venkatraman column 5 lines 29-42, column 8 lines 1-8; compare with claim 6).

In regard to dependent claim 8, Venkatraman teaches a method whereby web server queries a device, and in response, the targeted device transfers an HTML file that defines its device web page (Venkatraman column 7 lines 37-46; compare with claim 8).

11. **Claims 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Hanson as applied to claim 1 above, and further in view of Reber et al. (hereinafter Reber), U.S. Patent No. 5,398,726 issued August 1999.**

In regard to dependent claim 5, Venkatraman teaches a user defined area (Venkatraman Figure 3). Venkatraman does not specifically teach a method of receiving a device logo from a home device. However, Reber teaches a method of displaying a graphical logo relating to a device onto a browser screen (Reber Figure 3; compare with claim 5). It would have been obvious to one of ordinary skill in the art at the time of the

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invention to apply the logo method of Reber to the list and button GUI of Venkatraman/Hanson, because of Reber's taught advantage of graphical logos, providing increased device recognizability to the method as taught by Venkatraman/Hanson.

In regard to dependent claim 7, Venkatraman teaches a user defined area (Venkatraman Figure 3). Venkatraman does not specifically teach a method of receiving a device logo from a home device. However, Reber teaches a method of displaying a graphical logo relating to a device onto a browser screen (Reber Figure 3; compare with claim 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the logo method of Reber to the list and button GUI of Venkatraman/Hanson, because of Reber's taught advantage of graphical logos, providing increased device recognizability to the method as taught by Venkatraman/Hanson.

12. Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Hanson as applied to claim 1 above, and further in view of Suzuki et al. (hereinafter Suzuki), *Teleoperation of multiple robots through the Internet*, IEEE Robot and Human Communication, November 11-14, 1996, pp. 84-89.

In regard to dependent claims 9, 10, 11, Venkatraman does not specifically teach updating device list files as devices are connected and/or disconnected. However, Suzuki teaches operation of devices via the Internet, whereby calls are made to robots. All robots that respond (or indicate they are busy) are obviously connected, and the system makes note of the robots which do not return replies (i.e. disconnected, or broken etc.) (Suzuki page 87 left column item 8, also page 88 section 5.3 "An Examination of Teleoperation"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Suzuki to Venkatraman, Providing Venkatraman the benefit of keeping track of devices.

In regard to dependent claim 12, Venkatraman teaches network location of a device (Building 1U), (Venkatraman Figure 3 item 64). Venkatraman does not specifically teach availability of connected devices. However, However, Suzuki teaches operation of devices via the Internet, whereby calls are made to robots. All robots that respond are obviously connected, and the system makes note of the robots that indicate they are busy (Suzuki page 87 left column item 8, also page 88 section 5.3 "An Examination of Teleoperation"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Suzuki to Venkatraman, Providing Venkatraman the benefit of keeping track of devices.

In regard to dependent claims 13, 14, 15, Venkatraman does not specifically teach updating device list files as devices are connected and/or disconnected. However, Suzuki teaches operation of devices via the Internet, whereby calls are made to robots. All robots that respond (or indicate they are busy) are obviously connected, and the system makes note of the robots which do not return replies (i.e. disconnected, or broken etc.) (Suzuki page 87 left column item 8, also page 88 section 5.3 "An Examination of Teleoperation"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Suzuki to Venkatraman, Providing Venkatraman the benefit of keeping track of devices.

13. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Hanson, and further in view of Suzuki.

In regard to independent claim 16, claim 16 incorporates substantially similar subject matter as claimed in independent claim 1, and in further view of the following, is rejected along the same rationale.

Vekatraman does not specifically teach menu creation for selecting devices as presently claimed. However, Suzuki teaches a browser device interface depicting images from two robot devices in a room. Suzuki also teaches a "Dialogue Window" for entering commands to a particular device identified via identifiers (Suzuki page 87 Figure 4, also column 2 near middle - "***CmCd01", and page 88 Figure 6). In addition, Suzuki

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teaches presentation of images from each connected robot, along with a "Dialogue Window" for inputting commands directed to specific devices (Suzuki Figure 4), therefore indicative of a menu selection presentation (compare with claim 16 "*creating a menu page, the menu page containing at least one of a graphical and/or textual representations of said home devices that are currently connected to said home network*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Suzuki to visualize Venkatraman's device list file, providing a user of Venkatraman the benefit of comparing and contrasting robotic characteristics for aiding in a user's eventual decision.

In regard to dependent claim 17, Venkatraman teaches a user interface device for presentation of a home page with selectable urls (Venkatraman Figure 3).

In regard to dependent claim 18, Venkatraman does not specifically an image icon with a graphical representation of a home device. However, Hanson teaches a listing of available devices, each device comprising a logical name and associated with an image (Hanson Figures 3-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hanson to Venkatraman, because of Hanson's taught advantage of user selection, providing Venkatraman a way to visually customize a home network.

Venkatraman does not specifically teach said image file originating from a home device. However, Suzuki teaches images originating from each robot device connected to a network (Suzuki page 87 Figure 4, page 88 Figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Suzuki to Venkatraman, providing Venkatraman the benefit of visually displaying representative images originating from connected devices.

In regard to dependent claim 19, Venkatraman teaches a logical device name (Venkatraman Figure 3 "Portdv9"). Venkatraman also teaches embedding web access in an appliance, whereby access to user interface functions for a device is attained through a device web page located within said device, said page activated via

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hyperlink (Venkatraman Abstract, also column 3 lines 17-25, 28-50), which is an indication of an IP address associated with said device.

In regard to independent claim 20, claim 20 incorporates substantially similar subject matter as claimed in independent claim 16, and is rejected along the same rationale.

Response to Arguments

14. Applicant's arguments filed 1/13/2005 have been fully and carefully considered but they are not persuasive.

Applicant argues that the Office Action states that Venkatraman does not teach autonomously and dynamically identifying and locating devices. It is respectfully noted that Venkatraman teaches a dynamically updated Web page for devices, including control buttons for controlling device functions. Displaying printers that are available can be reasonably interpreted as currently connected. Additional support can be found in Hanson Figures 3, and 4, which shows an option for selection of available printers over a network. Figure 3 also shows a printer status button, providing a reasonable suggestion to the skilled artisan, current connectivity of devices, since a printer must be connected in order to ascertain its status (i.e. Figure 4, "IDLE").

Applicant argues that Hanson shows a GUI list of available printers, not a device list file that identifies home devices currently connected to a network. The examiner notes that showing printers that are available can be reasonably interpreted as currently connected. Additional support can be found in Hanson Figures 3, and 4, which shows an option for selection of available printers over a network. Figure 3 also shows a printer status button, providing a reasonable suggestion to the skilled artisan, current connectivity of devices, since a printer must be connected in order to ascertain its status (i.e. Figure 4, "IDLE").

Applicant additionally argues that Applicant's claimed device link file includes logical device names, as opposed to Hanson's cited teaching. The examiner notes that Hanson teaches a listing of available devices, each

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device comprising a logical name (i.e. HDE/Meister, HDE/Gerry). In additional support of the instant rejections, Venkatraman teaches a Printer Name "Portdv9", which can be reasonably interpreted as a logical device name. Since Venkatraman also teaches a dynamically updated Web page for devices, including control buttons for controlling device functions (Venkatraman column 3 lines 33-40), said Web page generally comprises an HTML file containing at least code for presentation, therefore, Hanson's object list file can be added to Venkatraman's HTML file and resulting page.

Applicant argues that Venkatraman does not teach a hypertext link associated with each device representation. The examiner notes that Venkatraman teaches links (Venkatraman column 5 lines 39-40), as well as links associated with a device on a Web page (Venkatraman Figure 3 items 66-68).

Applicant argues that there is no suggestion from either reference that they be combined or modified as proposed by the Office Action. The Examiner notes that Venkatraman teaches embedding Web access in an appliance for user interface functions utilizing a Web browser and Web page, for the purpose of accessing user interface functions through said page (Venkatraman Title and Abstract). Although Venkatraman does not specifically teach a device link file, Hanson teaches a dynamic device driver utilizing the Internet, and a WWW server, allowing for two-way communication between peripheral devices and an operating system (Hanson Figure 1 items 30, 36, also item WWW Server). Hanson teaches a status monitor object which displays a GUI object list (a device link file) of available devices (printers) for user selection (Hanson column 5 lines 35-43). In support of the Examiner's rejection, Hanson itemizes its devices via a presented list, providing Venkatraman with an itemized list of devices. This allows a user to easily see all connected devices.

Applicant argues that Reber does not teach the claimed limitations, and that there is no motivation to combine Reber with Venkatraman/Hanson. The Examiner notes that Venkatraman teaches a user defined area (Venkatraman Figure 3). Venkatraman does not specifically teach a method of receiving a device logo from a home device. However, Reber teaches a method of displaying a graphical logo relating to a device onto a browser screen (Reber Figure 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the logo method of Reber to the list and button GUI of Venkatraman/Hanson, because of

Reber's taught advantage of graphical logos, providing increased device recognizability to the method as taught by Venkatraman/Hanson.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM L. BASHORE
PRIMARY EXAMINER

May 11, 2005